

REMARKS/ARGUMENTS

Amendments

Before this Amendment, claims 1-21 were present for examination. Claims 1 and 12 are amended by this paper. No claims are canceled, and new claims 22 and 23 are added. Therefore, claims 1-23 are present for examination, and claims 1 and 12 are the independent claims. No new matter is added by these amendments.

This amendment is being submitted in conjunction with a Request for Continued Examination under 37 C.F.R. § 114. Applicants respectfully request reconsideration of this application as amended.

Rejection under 35 U.S.C. § 103(a)

The Office Action has rejected claims 1-21 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Fortenberry et al., U.S. Patent 6,336,098 ("Fortenberry") in view of the cited portions of Fajkowski, U.S. Patent 5,905,246 ("Fajkowski").

Independent claims 1 and 12 have been amended to further clarify the differences between the claimed invention and the features disclosed in the combined references.

Support for claim amendments

For example, claims 1 and 12 have been amended to clarify that *each discount arrangement is specific to the respective one of the plurality of merchants*. This amendment finds support in the specification at least in paragraph [0022].

Claims 1 and 12 have also been amended to clarify that *the discount-arrangement information includes a description of the applicable discount for each discount arrangement*. This change finds support in the specification at least at paragraph [0033].

The claims have also been amended to clarify that *the discount instrument provides its presenter access to more than one of the discount arrangements*. This amendment finds support in the specification at least at paragraph [0022].

Support for new claims 22 and 23 may be found at least in paragraph [0033].

Claims 1-11 and 21

Claim 1 now recites in part

maintaining at a host computer system discount-arrangement information relating to a plurality of discount arrangements, wherein each such discount arrangement is associated with one of a plurality of merchants and each discount arrangement is specific to the respective one of the plurality of merchants, and wherein the discount-arrangement information includes a description of the applicable discount for each discount arrangement;
receiving at the host computer system transaction information related to a transaction at a point of sale, the transaction information identifying a merchant party to the transaction;
receiving at the host computer system an identifier for a discount instrument presented at the point of sale during the transaction, wherein the discount instrument provides its presenter access to more than one of the discount arrangements;
making a determination by the host computer system based on the identifier whether the merchant party is one of the plurality of merchants; and
returning validation information to the point of sale in accordance with the determination.

Applicants respectfully submit that claim 1 includes limitations, including at least those highlighted above, not found in either Fortenberry or Fajkowski, or consequently in their combination.

Neither Fortenberry nor Fajkowski teaches *making a determination by the host computer system based on the identifier whether the merchant party is one of the plurality of merchants*. In Fortenberry, a consumer redeems a retailer's coupon at the retailer's "E-Coupon Redemption Web Site". (See Fortenberry Figure 3) Since the merchant at which redemption is being requested is the operator of the site, there is no need to verify that the retailer will accept the coupon.

Similarly, in Fajkowski, a "periphery device" at a point of sale may read an identifier from Fajkowski's "coupon card" (See Fajkowski column 15 lines 64), but again there

is no need to verify *based on the identifier* that the merchant may accept the card. The fact that the merchant has the periphery device indicates that it accepts cards compatible with it.

Because Fortenberry and Fajkowski, even in combination, do not teach or suggest each and every limitation of claim 1, claim 1 is believed allowable over their combination. Claims 2-11 and 22 depend from claim 1 and add further limitations, and are therefore believed allowable at least for this reason, as well as for the novel features they recite.

Furthermore, obviousness is to be determined based on the invention as a whole. (See MPEP 2142). Applicants note that even if the devices and methods described by Fortenberry and Fajkowski are combined, the combination does not result in Applicants' invention. Besides the fact explained above that the combination of Fortenberry and Fajkowski, even in combination, do not teach or suggest all of the elements of Applicants' claims, neither Fortenberry nor Fajkowski contemplates a discount instrument that provides access to a number of discount arrangements, and a system that, based on an identifier from the discount arrangement, determines whether a merchant is a merchant for whom discount-arrangement information is maintained at the computer system. Applicants' claims are directed to methods and system for implementing such an arrangement.

By contrast, the systems of both Fortenberry and Fajkowski are simply ways of automating the processing of traditional coupons – Fortenberry by placing the coupon in an electronic file and redeeming it on the Internet (Fortenberry Abstract), and Fajkowski by electronically recording information from coupons to an “integrated coupon card” and electronically redeeming them at a properly-equipped point of sale (Fajkowski Abstract).

Thus, Fortenberry and Fajkowski lack a description of the functional interactions recited in the claims.

Claims 12-21 and 23

Claim 12 is an apparatus claim that recites a computer system programmed to perform steps similar to those of claim 1. Claim 12 has been amended in a manner analogous to the amendments to claim 1, and is believed allowable for the reasons given above with respect to

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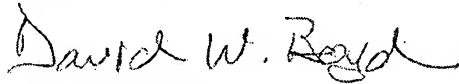
claim 1. Claims 13-21 and 23 depend from claim 12 and add further limitations, and are therefore believed allowable at least for this reason, as well as for the novel features they recite.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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